

Members Present: S. Woodworth Chittick, Chairman
Benjamin Lacy, Vice Chairman
Charles Higginson
Peter Goedecke
Kathleen Hunter
Barbara Power, Clerk

Others Present: Jennifer Oram, Recording Secretary
Peter and Janet Robinson, 13 Pratt Court
Stephen Bjorkland, Scituate, MA

Chairman Chittick called the meeting to order at 7:30 PM.

HEARINGS

264 Jerusalem Road – Thomas and Margarita Nelson – Seek to construct a second story addition within the side setback – SP - §8.7.2 - #07-03-12a. Sitting wc bl ch bp pg kh.

Mrs. Margarita Nelson came before the Board to review her application. Mrs. Nelson explained that she had been in the home for two years and that previous owners had put on two additions: a TV room in 1985 and a sunroom in 1993. Mr. and Mrs. Nelson would like to build a second story addition over their existing sunroom. She was before the Board this evening to receive relief as the addition would be in the setback. Mrs. Nelson submitted a more recent site plan that had been done by Cavanaro Associates. She stated that Mr. Cavanaro’s plan shows that the closest part of the house to the setback would be the corner of the house at 9.6 feet. Chairman Chittick asked her if she was doing anything to the deck and/or patio, to which she explained they would not be touching either. Mr. Lacy asked if she knew when the deck had been added on, and if she knew why there had not been a permit pulled. After a brief discussion, it was decided that the deck was most likely built ten – twelve years previously, and therefore the statute of limitations had run out on enforcing its removal from the house. Mr. Lacy then reviewed the definition of a rear lot line, and stated that the applicant did not have a rear lot line issue, but that they do have a sideline problem. He explained that the decision would need to be written to reflect these facts. Mr. Goedecke then asked to review the windows on the second floor. He felt that the bay window may jog out enough to cause an increase in non-conformity. Because the area in which the house located is not a crowded area, he did not feel the jog would be a detriment to the neighborhood. He also stated that currently the sunroom is conforming, but when they build up, they will be creating nonconformity. Even so, he did not feel the applicants would be creating a materially more detrimental non-conformity. Chairman Chittick stated that the decision could be written under §8.7.2 to reflect all of these facts. Chairman Chittick then asked if there was anyone in the audience that would like to speak for or against the application. Mr. Marcus Ramsden, son of Mrs. Clark, the abutter at 262 Jerusalem Road, spoke against the application. He stated that he felt that the Nelson’s home currently looms over his mother’s property, and that he felt the

addition would infringe upon her property. He would like the Board to see his view from his yard. He also stated that he measured the existing setback, and he felt it was actually 7.10” feet. He would like the Board to confirm this. Mr. Ramsden also complained about a PVC pipe that went under his property, and then resurfaced and dumped water into the marsh. He feels the pipe comes from the Nelson home. Mrs. Nelson assured Mr. Ramsden that she was not aware of the pipe. **Chairman Chittick then moved to close the hearing. Ms. Kathleen Hunter seconded the motion, and the vote was unanimous. Mr. Lacy will draft the decision.**

13 Pratt Court – Peter J. and Janet Robinson – seek to construct two additions. SP §8.7 - #07-03-12b. Sitting – wc bl ch bp pg kh.

Mr. and Mrs. Robinson addressed the Board along with their Architectural Designer, Heidi Condon. Ms. Condon reviewed the plans and the property for the Board. She explained that the home was built in 1938 and was built as two rooms over two rooms. Currently, half of the home is nonconforming; both encroaches into both the front and eastern side-yard setbacks. She explained that the East addition will be within the front and east side setback, however, they plan on removing a 5’ wide section of the home that is the most nonconforming. The West addition will be in the front setback. She further explained that one addition would be replacing an existing part of the home, while the second addition would be built from the ground up. Ms. Condon showed that the home is surrounded by vegetative wetlands and that the Pratt’s home sits within the 50 foot buffer zone. She stated that she had informally met with the Conservation Agent, Paul Shea, and that he said that he would not like them to build any further into the buffer zone. Essentially, she stated, the house is completely nonconforming if you add in the flood plane, wetlands and the front and side-yard setback issues. Chairman Chittick asked if they were increasing lot coverage. Ms. Condon explained that coverage was not an issue. She said that with both additions, and the removal of part of the house, the coverage basically stays the same. Chairman Chittick then asked the audience if anyone wished to speak. Mr. Joseph Migliaccio, of 79 Ripley Road, stated that he felt the addition was going to look very nice. Mrs. Elizabeth Lesniewski-Laas, of 22 Pratt Court, added that she felt it will look better than what is there now. Chairman Chittick then read letters of support from neighbors, Kathleen and Thomas Gruber of 8 Pratt Court, and Karin and Michael Cunnie of 72 Ripley Road. **Chairman Chittick moved to close the hearing. Mr. Lacy seconded the motion, and the vote was unanimous. Mr. Higginson will draft the decision.**

DELIBERATION

449 Jerusalem Road – (Taja Realty Trust) –(Seeks to construct a two car garage within the side setback) – Variance - §5.3.1 - #07-01-09 – Sitting wc bl bp ch kh pg – Power.

The Board reviewed the decision drafted by Mrs. Power. **Mr. Lacy moved to approve the draft decision as amended by Chairman Chittick. Mr. Goedecke seconded the motion, and the vote was unanimous.**

MINUTES APPROVAL

Chairman Chittick moved to approve the minutes of December 6, 2007. Ms. Hunter seconded the motion, and the vote was unanimous.

Chairman Chittick moved to approve the minutes of January 3, 2007, second draft as amended. Ms. Hunter seconded the motion, and the vote was unanimous.

Chairman Chittick moved to go into Executive Session for the purposes of discussing litigation. Mr. Goedecke seconded the motion. Chairman Chittick stated that the Board would come out of Executive Session only for the purposes of adjourning the meeting.

**Barbara Power – Aye
Kathleen Hunter – Aye
Charlie Higginson – Aye
Peter Goedecke - Aye
Benjamin Lacy - Aye
Chairman Chittick – Aye**

The next meeting of the Zoning Board of Appeals will be Tuesday, May 8, 2007 at 7:30PM

Chairman Chittick moved to adjourn the meeting. Mr. Lacy seconded the motion, and the vote was unanimous.

Meeting adjourned at 9:40PM.

Respectfully submitted,

Barbara M. Power
Clerk